



IPW

PATENT APPLICATION
Attorney Docket No.: 22306

IN THE UNITED STATES PATENT & TRADEMARKS OFFICE

ART UNIT: 1614
APPLICANT: Motyka et al.
SERIAL NO.: 10/828,827
FILED: 4/21/2004
CONFRM. NO.: 5299
FOR: HYPOALLERGENIC METAL AMINO ACID
CHELATES AND METAL AMINO ACID
CHELATE-CONTAINING COMPOSITONS

**INFORMATION DISCLOSURE
STATEMENT UNDER
37 C.F.R. § 1.97**

**CERTIFICATE OF MAILING
UNDER 37 C.F.R. § 1.8**

DATE OF DEPOSIT: 7/22/04

I hereby certify that this paper or fee (along with any paper or fee referred to as being attached or enclosed) is being deposited with the United States Postal Service as first class mail with sufficient postage on the date indicated above and is addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.


Emily Mecham

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir/Madam:

Please find, pursuant to 37 C.F.R. § 1.98(a)(1), the enclosed Form PTO-1449 which contains a list of all patents, publications, or other items that have come to the attention of one or more of the individuals designated in 37 C.F.R. § 1.56(c). Applicant respectfully submits that this Information Disclosure Statement is filed pursuant to:

☒ 37 C.F.R. § 1.97 (b)(1) or (3), within three months of the filing date of the application, or before a first office action on the merits, whichever occurs last;

☐ 37 C.F.R. § 1.97 (c), after a first office action on the merits, but before a Final Office Action or a Notice of Allowance, whichever occurs first, and is accompanied by either 1) a statement in accordance with 37 C.F.R. § 1.97(e), or 2) the fee set forth in § 1.17(p); or

☐ 37 C.F.R. § 1.97 (d), after a Final Office Action or Notice of Allowance, whichever occurs first, but on or before payment of the issue fee, and is accompanied by both 1) a statement in accordance with 37 C.F.R. § 1.97(e), and 2) the fee set forth in § 1.17(p).

While no representation is made that any of these references may be "prior art" within the meaning of that term in accordance with 35 U.S.C. §§ 102 or 103, the enclosed list of references is disclosed so as to comply with the duty of disclosure set forth in 37 C.F.R. § 1.56.

Moreover, while no representation is made that a specific search of office files or patent office records has been conducted or that no better art exists, the undersigned attorney of record believes that the references listed, together with any other references which may have been previously submitted or listed,

are the closest to the claimed invention (taken in its entirety) of which the undersigned is presently aware, and no art which is closer to the claimed invention (taken in its entirety) has been knowingly withheld.

☐ In accordance with 37 C.F.R. §§ 1.97 and 1.98, a copy of each listed reference (or relevant portion thereof) which was not previously submitted to, or cited by, the Patent Office is also enclosed.

☒ Copies of U.S. patents and/or publications are NOT included pursuant to the Official Gazette Notice, dated Aug. 5, 2003, waiving the requirement of 37 C.F.R. 1.98(a)(2)(i).

☒ A legible copy of each of the listed non-patent literature and foreign documents or their relevant portions is enclosed.

☐ The references listed in the accompanying Form PTO-1449 are NOT enclosed because, under 37 C.F.R. § 1.98(d), they were previously cited by or submitted to the Office in application number _____, which is relied upon for an earlier filing date under 35 U.S.C. § 120.

For all listed references that are not either in the English language, or accompanied by a translation into English, a concise explanation of relevance as required under 37 C.F.R. § 1.98(a)(3) is enclosed attached to each.

Please charge any additional fees or credit any overpayment to Deposit Account No. 20-0100.

Dated this 22nd day of July, 2004.

Respectfully submitted,

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

TRANSMITTAL OF INFORMATION DISCLOSURE STATEMENT

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Re: U.S. Patent Application No. 10/828,827, Filed 4/21/2004
Inventor(s): Motyka et al.
**HYPOALLERGENIC METAL AMINO ACID CHELATES AND
METAL AMINO ACID CHELATE-CONTAINING COMPOSITONS**
Confirmation No.: 5299
Group Art Unit: 1614
Attorney Docket No. 22306

Dear Sir/Madam:

Transmitted herewith for filing and pursuant to 37 C.F.R. §§ 1.56 and 1.97 is an Information Disclosure Statement. Enclosed also are the following designated documents, as required under 37 C.F.R. §§ 1.97 and 1.98:

- ☒ Form PTO-1449 list of 46 (forty-six) reference(s) submitted for consideration.
- ☐ Legible copies of all the listed references or their relevant portions.
- ☒ Legible copies of the listed non-patent documents and foreign documents or their relevant portions are included.
- ☒ Copies of U.S. patents and/or publications are not included pursuant to the Official Gazette Notice, dated Aug. 5, 2003, waiving the requirement of 37 C.F.R. 1.98(a)(2)(i).
- ☐ All English translations of each non-English reference, if any, within the possession, custody, control or availability of anyone designated in 37 C.F.R. § 1.56(c) (see 37 C.F.R. § 1.98(c)).

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The following are included within the Information Disclosure Statement if applicable and as required under 37 C.F.R. § 1.98:

- ☐ Concise explanation of relevance of each reference not in English and unaccompanied by an English translation.
- ☐ Statement that certain listed references not enclosed are substantially cumulative of an enclosed reference.
- ☐ Statement that certain listed references not enclosed were previously cited by or submitted to the Office in the identified prior application which is relied upon for an earlier filing date under 35 U.S.C. § 120.

In order to secure consideration of the items designated above, one or more of the following, if required, is also enclosed:

- ☐ Statement under 37 C.F.R. § 1.97(e)(1) or (2).
- ☐ Check No. _____ in the amount of \$180.00 (amount in § 1.17(p)) constituting the submission fee set forth in 37 C.F.R. § 1.17(p).

In the event that 37 C.F.R. § 1.97(c) applies and the Examiner is not satisfied that the Statement meets the requirements of 37 C.F.R. § 1.97(e), or in any other event remediable by a fee, please credit any over payment or charge any additional fees to Deposit Account No. 20-0100 of the undersigned.

Dated this 22nd day of July, 2004.

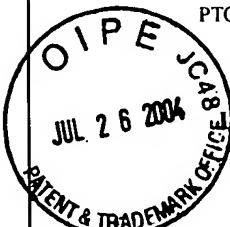
Respectfully submitted,

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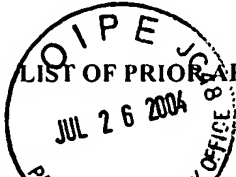
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Enclosures

| | | | | |
|--|--------------------------------------|--|---------------------------|--------------------------|
|  | PTO-1449 | U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE | ATTY. DOCKET NO. 22306 | SERIAL NO. 10/828,827 |
| | LIST OF PRIOR ART CITED BY APPLICANT | | | |
| | APPLICANT Motyka et al. | | FILING DATE 4/21/2004 | GROUP 1614 |

U.S. PATENT DOCUMENTS

| EXAMINER INITIALS | | DOCUMENT NUMBER | DATE | NAME | CLASS | SUBCLASS | FILING DATE IF APPROPRIATE |
|-------------------|-----|-----------------|------------|--------------------|-------|----------|----------------------------|
| | A1 | 3,969,540 | 07/13/1976 | Jensen | | | |
| | A2 | 4,020,158 | 04/26/1977 | Ashmead et al. | | | |
| | A3 | 4,076,803 | 02/28/1978 | Ashmead | | | |
| | A4 | 4,103,003 | 07/25/1978 | Ashmead | | | |
| | A5 | 4,169,716 | 10/02/1979 | Ashmead | | | |
| | A6 | 4,169,717 | 10/02/1979 | Ashmead | | | |
| | A7 | 4,172,072 | 10/23/1979 | Ashmead | | | |
| | A8 | 4,201,793 | 05/06/1980 | Ashmead | | | |
| | A9 | 4,216,143 | 08/05/1980 | Ashmead | | | |
| | A10 | 4,216,144 | 08/05/1980 | Ashmead | | | |
| | A11 | 4,491,464 | 01/01/1985 | Ashmead et al. | | | |
| | A12 | 4,167,564 | 09/11/1979 | Jensen | | | |
| | A13 | 4,529,434 | 07/16/1985 | Ashmead | | | |
| | A14 | 4,599,152 | 07/08/1986 | Ashmead | | | |
| | A15 | 4,725,427 | 02/16/1988 | Ashmead et al. | | | |
| | A16 | 4,774,089 | 09/27/1988 | Ashmead | | | |
| | A17 | 4,830,716 | 05/16/1989 | Ashmead | | | |
| | A18 | 4,863,898 | 09/05/1989 | Ashmead et al. | | | |
| | A19 | 5,162,369 | 11/10/1992 | Ashmead et al. | | | |
| | A20 | 5,270,297 | 12/14/1993 | Paul et al. | | | |
| | A21 | 5,292,538 | 03/08/1994 | Paul et al. | | | |
| | A22 | 5,292,729 | 03/08/1994 | Ashmead | | | |
| | A23 | 5,516,925 | 05/14/1996 | Pedersen et al. | | | |
| | A24 | 5,596,016 | 01/21/1997 | Ashmead et al. | | | |
| | A25 | 5,614,553 | 03/25/1997 | Ashmead et al. | | | |
| | A26 | 5,882,685 | 03/16/1999 | Ashmead | | | |
| | A27 | 5,888,553 | 03/30/1999 | Grant et al. | | | |
| | A28 | 6,114,379 | 09/05/2000 | Wheelwright et al. | | | |

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|---|--|--|---------------------------|--------------------------|
| PTO-1449  | U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE | | ATTY. DOCKET NO. 22306 | SERIAL NO. 10/828,827 |
| | APPLICANT Motyka et al. | | | |
| | FILING DATE 4/21/2004 | | GROUP 1614 | |

| EXAMINER INITIALS | | DOCUMENT NUMBER | DATE | NAME | CLASS | SUBCLASS | FILING DATE IF APPROPRIATE |
|-------------------|-----|-----------------|------------|---------------------|-------|----------|----------------------------|
| | A29 | 6,159,530 | 12/12/2000 | Christiansen et al. | | | |
| | A30 | 6,166,071 | 12/26/2000 | Ashmead et al. | | | |
| | A31 | 6,207,204 | 03/27/2001 | Christiansen et al. | | | |
| | A32 | 6,294,207 | 09/25/2001 | Christiansen et al. | | | |
| | A33 | 6,299,914 | 10/09/2001 | Christiansen et al. | | | |
| | A34 | 6,407,138 | 06/18/2002 | Ashmead et al. | | | |
| | A35 | 6,426,424 | 07/30/2002 | Ashmead et al. | | | |
| | A36 | 6,458,981 | 10/01/2002 | Ashmead et al. | | | |
| | A37 | 6,518,240 | 02/11/2003 | Pedersen et al. | | | |
| | A38 | 6,706,904 | 03/16/2004 | Hartle et al. | | | |
| | A39 | 6,710,079 | 03/23/2004 | Ashmead et al. | | | |
| | A40 | 6,716,814 | 04/06/2004 | Ericson et al. | | | |

FOREIGN PATENT DOCUMENTS

| EXAMINER INITIALS | | DOCUMENT NUMBER | DATE | COUNTRY | CLASS | SUBCLASS | TRANSLATION YES NO |
|-------------------|-----|-----------------|------|---------|-------|----------|-----------------------|
| | A41 | | | | | | |

OTHER PRIOR ART (Including Author, Title, Pertinent Pages, Etc.)

| | | |
|--|-----|---|
| | A42 | Determination of Amino Acids in Cell Cultures and Fermentation Broths, Dionex Application Note 150, pp 1-15. |
| | A43 | RICCARDI, GIOVANNA ET AL., Production of Amino Acids by Analog-Resistant Mutants of Cyanobacterium Spirulina platenis, Journal of Bacteriology, (Sept. 1981), pp. 1002-1007. |
| | A44 | Cattle Nutrition - Mycotoxins and Intoxications, Abstracts - XXII World Buiatrics Congress 2002, (August 18-23, 2002 - Abstract Nos. 1-364, 2-689, 3-229, 4-788, 5-755, 6-157, 7-825, 7-757, 9-226, 10-393, 11-645, 12-904, 13-802), Hannover, Germany. |
| | A45 | TORIDE, YASUHIKO, Lysine and other amino acids for feed: production and contribution to protein utilization in animal feeding. |
| | A46 | TAKAHASHI, N. ET AL., Acid-neutralizing activity during amino acid fermentation by Porphyromonas gingivalis, Prevotell intermedia and Fusobacterium nucleatum, Oral Microbiology Immunology, (April 2003), 109-113(5), Vol. 18, no. 2. |
| | A47 | Amino Acides are Made from Natural Materials, Encyclopedia of Amino Acids, April 9, 2004, pp. 1-2. |

EXAMINER

DATE CONSIDERED

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication with applicant.